United Nations S/PV.6066

Security Council

Sixty-fourth year

Provisional

6066th meeting

Wednesday, 14 January 2009, 10.25 a.m.

New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	Japan	Mr. Okuda
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. İlkin
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Protection of civilians in armed conflict

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

09-20780 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): I propose, with the consent of the Council, to invite those countries inscribed on the list of speakers to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the following countries took the seats reserved for them at the side of the Council Chamber: Afghanistan, Argentina, Australia, Azerbaijan, Bangladesh, Belgium, Brazil, Canada, Colombia, Czech Republic, Egypt, Finland, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Kuwait, Liechtenstein, Morocco, Myanmar, New Zealand, Nicaragua, Pakistan, Qatar, Sudan, Switzerland, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Uruguay and Bolivarian Republic of Venezuela.

The President (*spoke in French*): I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Archbishop Celestino Migliore, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations.

There being no objections, it is so decided.

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to the United Nations to participate in the meeting, as requested in a letter dated 13 January 2009, the text of which is contained in document S/2009/31, and in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objections, it is so decided.

I propose, with the consent of the Council, to extend an invitation under rule 39 of the Council's provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

The Council will now begin its consideration of the item before it.

At this meeting, we will hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I now give the floor to Mr. Holmes.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Council this morning. I will cover a number of urgent issues, but the main focus today must be the conduct of hostilities and the need for strict compliance with international humanitarian law.

The current situation in southern Israel and Gaza is pressing and desperate. Civilians in southern Israel have long had to live under constant threat of rocket and mortar attacks by Palestinian militants. Considering the number of rockets and mortars fired, civilian casualties have been limited, but the frequent and indiscriminate nature of these attacks inflicts severe psychological suffering. Four Israeli civilians have been killed and dozens injured since the current hostilities began.

These attacks are contrary to international humanitarian law and must cease. Yet any Israeli response must itself comply with international humanitarian law. Here too, there is considerable and grave cause for concern. The population of Gaza was already suffering severely after more than 18 months of closures. Since the current hostilities started, the Palestinian Ministry of Health reports, as of yesterday, 13 January, that the number of Palestinian casualties stands at 971 killed, of whom 311 are children and 76 women, and 4,418 wounded, of whom 1,549 are children and 652 are women. Many of the male casualties are no doubt also civilians. The number of child casualties has reportedly tripled since the beginning of ground operations on 3 January. The Israel Defense Forces are no doubt trying, as they say they are, to take steps to minimize civilian casualties, but they are clearly not succeeding.

Israeli operations are also causing extensive damage to homes and public infrastructure and

seriously jeopardizing water, sanitation and medical services. United Nations schools sheltering displaced persons have been hit; humanitarian workers have been killed and ambulances hit; the sick and wounded have been left trapped and unassisted; and up to 100,000 people have been displaced from their homes.

The situation for the civilian population of Gaza is terrifying, and its psychological impact is felt particularly by children and their parents, who feel helpless and unable to protect them. It is a situation from which civilians have only minimal respite: three hours a day, with no escape, as borders and crossings remain closed. Only a full and fully respected ceasefire will spare the civilian population from these horrors, and even then, their need for assistance will remain both urgent and overwhelming.

In the conduct of military operations, constant care must be taken to spare the civilian population from the effects of hostilities. This requires strict compliance with the principles of distinction and proportionality and the requirement to take all feasible precautions in attack and against the effects of attack.

For those launching attacks, this includes doing everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and refraining from any indiscriminate attacks, including those that may be expected to cause incidental civilian casualties that would be excessive in relation to the concrete and direct military advantage anticipated from that specific attack.

For those in defence, it means removing civilians and civilian objects from the vicinity of military objectives and avoiding locating military objectives within or near densely populated areas. It also means not ordering or using the presence or movement of civilians to render certain points or areas immune from military operations or to shield military objectives from attack.

Can we look at what has been happening in Gaza in the past three weeks and say that either Israel or Hamas has come close to respecting fully these rules? I think not. I repeat that violations of international humanitarian law by one party to a conflict offer no justification for non-compliance by other parties. Allegations of violations must be fully investigated and those responsible held to account.

As much as the world's attention is focused on Gaza, that is, sadly, by no means the only situation to raise profound concerns over the degree of respect for these rules and for international humanitarian law.

From the end of August, the eyes of the international community were focused on the catastrophic situation that began to unfold around Goma, in the eastern Democratic Republic of the Congo. Congolese civilians found themselves in the worst of all worlds, subject to attacks, displacement, sexual violence and forced recruitment perpetrated by advancing rebel forces, and to acts of violence, rape and looting carried out by members of the official Congolese armed forces and Mai-Mai and other militias.

In one particularly horrific incident in early November, an estimated 150 people were killed during two days of violence in the town of Kiwanja. Reports indicate that most of those killed were summarily executed by the forces of Laurent Nkunda. Others died when caught in combat between Nkunda's forces and Mai-Mai militia.

Though the situation in the east of the Democratic Republic of the Congo is now somewhat more stable, sporadic violence continues and humanitarian needs are great, while access remains extremely limited.

Meanwhile, we have had to face up to fresh atrocities committed by the Lord's Resistance Army (LRA) in the north-east of the country and in parts of southern Sudan. According to the United Nations High Commissioner for Refugees, LRA attacks on villages in Orientale province in the Democratic Republic of the Congo have left more than 500 people dead. Over 400 have been abducted and some 100,000 displaced. For any who hoped the threat of LRA brutality had gone, it has been a rude awakening indeed.

In Somalia, 2008 was, for an increasingly high proportion of the population, another year trapped in a vicious cycle of attack and counter-attack between armed groups and Ethiopian and Transitional Federal Government (TFG) forces. Throughout 2008, armed groups in Mogadishu used residential areas to launch indiscriminate mortar attacks against Ethiopian and TFG forces, provoking equally indiscriminate and disproportionate counter-attacks, often involving the use of heavy weapons. Reports suggest that all sides launched their attacks with such lack of precision that

there was little, if any, expectation of striking a military objective or avoiding civilian casualties. Armed groups also used homes and crowds of civilians as cover from which to ambush TFG and Ethiopian forces, resulting in wild firefights and further civilian casualties.

In Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA) reports that more than 2000 civilians were killed during hostilities in 2008, an increase of over 40 per cent compared to 2007. Over half died as a result of attacks by anti-Government elements, in particular through suicide bombings and the use of improvised explosive devices.

The calculated and callous nature of suicide attacks remains particularly horrifying in Afghanistan and elsewhere. They promote a climate of extreme insecurity for civilians, disrupt any degree of normality in public life, and destroy the lives of ordinary people with neither warning nor compunction.

Some 250 civilians were also executed by anti-Government elements in Afghanistan. These were mostly individuals considered to be linked in some way to the Government or the international community. Alarmingly, killings of this sort appear to be spreading to areas of the country that were previously immune.

Civilian deaths were also attributed to air strikes, search and raid operations and force protection incidents involving international and national armed forces. More than 550 civilians died as a result of air strikes in 2008. In one incident alone, in August, UNAMA reported that 92 civilians, including 62 children, were killed in the Shindand district of Herat. This prompted the International Security Assistance Force to amend its standard operating procedures with a view to preventing such incidents in the future. However, the killing of 37 civilians in an air strike in Kandahar in November 2008 indicates that still more needs to be done.

Prompt investigations by international forces in the aftermath of such incidents and the provision of adequate public information and payments to those affected are also essential.

In Sri Lanka, strict compliance with international humanitarian law is all the more critical with the intensification of fighting in the Vanni region and with reports of intermittent artillery fire into populated civilian areas in recent weeks. The scale of humanitarian needs is difficult to gauge, given the restricted humanitarian access due to the intensified fighting and the relocation of United Nations agencies and non-governmental organizations from rebel-held territory in mid-September.

I am, however, particularly concerned that some 350,000 civilians are trapped in an increasingly confined space and effectively prevented from leaving by Tamil Tiger rebels. This raises deep concerns over the possible use of civilians to render areas immune from military operations. Regarding those who are able to leave Vanni, while the Government has the right to screen for fighters among them, it must not unduly continue to restrict their freedom of movement.

In environments such as Afghanistan, the Democratic Republic of the Congo and Somalia, it is particularly worrying that humanitarian organizations and their staff continue to be subject to threats, intimidation and deadly attacks.

In Afghanistan, 112 humanitarian workers were kidnapped in 2008, five of whom were killed by their captors. A total of 33 humanitarian workers were killed in 2008, the majority of whom were national staff.

In North Kivu province in the Democratic Republic of the Congo, 104 security incidents involving humanitarian workers were reported during September of last year alone.

In Somalia, 32 humanitarian workers were killed in 2008 and 19 were abducted, of whom 10 are still captive. In a particularly chilling turn of events, many Somali United Nations staff and their families had to be relocated from their duty stations following the circulation of an apparent death list of individuals targeted for assassination by armed groups.

Such actions inevitably result in increased security measures, further restrictions on access and a scaling down of humanitarian operations. The main losers from that are, of course, the most vulnerable. The Office for the Coordination of Humanitarian Affairs (OCHA) is continuing to monitor and analyse trends of violence against humanitarian workers, and access constraints more generally, and will provide a comprehensive overview of those issues in the Secretary-General's next report on the protection of civilians.

Meanwhile, we must urgently find better ways to prevent and reduce that pattern of behaviour. It is

relatively straightforward, if not always easy or productive, for the United Nations to engage with the International Security Assistance Force in Afghanistan, or with national armed forces, and to raise our concerns. But whether in Afghanistan, the occupied Palestinian territories, Somalia or elsewhere, we cannot talk only to one side. If we are serious about sparing civilians from the effects of hostilities and about obtaining access to those in need and seeking to ensure that humanitarian workers can operate safely, humanitarian actors must have consistent and sustained dialogue with all parties to conflict, be it the Taliban, Hamas or Al-Shabaab.

It is simply not sufficient to oppose such engagement for fear that it will confer a degree of recognition on those groups. We need those groups to understand what international humanitarian law says and why. We need to be able to speak out for their victims and for the communities they endanger through their mere presence and by storing weapons in homes, schools and places of worship. We need to speak to them to gain safe and sustained access to populations in need and to point out consistently the extent of their misperceptions of humanitarian motives, the lack of a political agenda on the part of United Nations or other humanitarian actors and our firm attachment to the humanitarian principles of impartiality, neutrality and independence. And we need to be able to call them to account when they violate international humanitarian law.

I recognize that for some militia, guerrilla and rebel groups, civilian casualties and constraints on access are in many cases intended consequences of their actions. But the simple truth remains that unless we can consistently raise protection and access concerns with those groups, and unless we can bring home to them the deep irresponsibility of some of their actions, we will continue to see such groups kill, maim and threaten the lives of more civilians.

Amid all that darkness there are some bright spots too, not least among them the opening for signature and ratification last month of the Convention on Cluster Munitions. The Convention has the protection of civilians at its core. For those States that sign and ratify the Convention, it bans the use, production, transfer and stockpiling of cluster munitions. For those that do not, it deepens the stigma associated with cluster munitions, making it politically and morally more difficult to continue to use those weapons. Ultimately, the Convention will lead to the destruction of billions of lethal submunitions and, in so doing, will save a huge number of civilians, their families and communities from the terrible humanitarian consequences of that weapon.

I applaud the Oslo core group and the civil society organizations that contributed to making the Convention a reality, as well as the 95 States that have signed it. I urge all States that have not yet done so to sign and ratify the Convention to ensure its entry into force without delay.

However familiar the challenges to the protection of civilians are — and I have not, on this occasion, focused on the massive and increasing problem of internal displacement due to conflict — the ability to ensure that we respond to them in a comprehensive and consistent way continues to elude us. For example, the potential vested in peacekeeping missions with protection mandates is still not being realized. One reason is that those missions are not being provided on a consistent basis with the capacity required to fulfil those mandates.

In Darfur, for instance, despite the grave and well-documented situation confronting the people there, 12 months since it became operational, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has only some 15,200 of the 26,000 uniformed personnel authorized by the Council. That is one peacekeeper for every 170 of the staggering 2.7 million internally displaced persons who live in perpetual fear of violence, hunger, disease and death. Consider also the vastness of Darfur, combined with UNAMID's lack of sufficient aviation capacity, and it is all too apparent that the Operation's efforts to protect civilians will inevitably fall short until it has the troops and tools needed to do the job properly.

In the Democratic Republic of the Congo, the upsurge of violence in the east of the country at the end of August severely tested the ability of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to protect civilians. It raised important questions again about MONUC's capacity and whether it had the mandate necessary for the task. It also raised the need to look again at concepts of operations, standard operating procedures and rules of engagement as they relate to the protection of civilians.

The joint study by OCHA and the Department of Peacekeeping Operations on the implementation of protection mandates by peacekeeping missions will examine those and related issues. The study is under way and due for completion later this year. Its findings will be shared with Member States and will provide recommendations for us all on how to tackle some of those weaknesses.

The lack of a comprehensive and consistent approach is apparent also in our efforts to combat sexual violence. As I said during the last open debate, in May 2008, those require the same degree of concerted action wherever they occur. Eight months on, I am pleased that United Nations actors in the Democratic Republic of the Congo and their national and international partners have made significant progress in developing a draft comprehensive strategy to combat the horrific sexual violence there, in support of the efforts of the Government. It focuses on four critical areas: addressing impunity, supporting activities to prevent and provide protection from sexual violence, incorporating prevention efforts into security sector reform, and improving access to medical, mental health and legal support for survivors.

The strategy is a crucial and welcome initiative and warrants full support from all concerned. We will certainly pursue it vigorously. But it also still begs the question of consistency I raised in May. Where are the strategies for Côte d'Ivoire, the Sudan and other contexts where rape and other forms of sexual violence are widespread? They need to follow soon, and I hope the Council will also insist on that.

Helping to facilitate a comprehensive and consistent approach to the protection of civilians in all circumstances was the intention behind the Secretary-General's call for the establishment of a Security Council expert group in his sixth report on the protection of civilians (S/2007/643). I am therefore greatly encouraged by the convening later this week of the first meeting of the expert group. That is an informal forum that brings together Council Member States for transparent and timely consultation with OCHA on protection concerns, particularly in the context of the establishment or renewal of peacekeeping mandates. A particularly useful tool for the expert group — but also, I believe, for the Council itself — is the aide-memoire on the protection of civilians (S/PRST/2003/27, annex). The aide-memoire was first developed in March 2002, at the Council's request, to facilitate its consideration of protection issues. In close consultation with the Council, OCHA has produced a revised and updated version, which I trust will be adopted by the Council at the end of this debate.

The aide-memoire identifies the key concerns regarding the protection of civilians in contemporary conflicts and, based on the Council's past practice, specific actions that the Council could take to respond to those concerns. It maintains a focus on the role of peacekeeping missions, but it also includes a range of additional measures that could be taken by the Council, such as imposing targeted sanctions against the perpetrators of serious violations against civilians and the referral of situations to the International Criminal Court.

From the perspective of the protection of civilians in armed conflict, 2009 has had a dreadful beginning. We need urgently to redouble our efforts to ensure respect for international humanitarian law and human rights law in time of armed conflict. The convening of the expert group and the revision of the aide-memoire are important steps in this direction. Additional proposals will be outlined in the seventh report of the Secretary-General, due in May of this year.

Meanwhile, let this, the tenth anniversary of the first Security Council resolution on the protection of civilians, be the year in which a sustained effort to approach the issues in a comprehensive and consistent manner begins to produce results.

The President (*spoke in French*): I thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to members of the Council.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation would like to thank Under-Secretary-General Holmes for his briefing and express

its appreciation to the various United Nations agencies for their work over the years in the humanitarian field.

The Security Council has been seized with the question of the protection of civilians in armed conflict for nearly a decade and has adopted many resolutions and presidential statements on that topic. However, because of the changing character of conflicts and the interlinkage among various complex factors, many civilians the world over still suffer from the harm and damage inflicted upon them by armed conflicts. The recent resurgence of conflict between Israel and a Palestinian armed faction has caused numerous deaths and injuries among innocent civilians and given rise to a severe humanitarian crisis, which has become a matter of serious concern for the international community. The grim reality tells us that the international community has a long way to go towards fulfilling its duty to protect civilians.

In order to improve the protection of civilians in armed conflict, I wish to emphasize the following three points.

First, the Security Council should fulfil its primary responsibility for maintaining international peace and security. As the core of the world's collective security system, the Security Council should take prompt action within its spheres of competence to reduce and address the root causes of conflicts and mitigate the harm brought by armed conflicts to civilians. As a result of the joint efforts of the Arab countries and other countries concerned, the Council adopted resolution 1860 (2009) 13 days after the outbreak of the Israeli-Palestinian conflict, calling for a ceasefire between the two parties. We urge the parties concerned to implement the ceasefire immediately, as requested by the resolution, so as to avoid more civilian casualties and ease the humanitarian crisis.

Secondly, the Security Council must not view the protection of civilians in isolation; instead, it should look at the context of a particular conflict in terms of the peace process and the political situation, taking an integrated approach. We have seen in recent years that deteriorating security situations in places such as the Middle East and Afghanistan have made victims of countless civilians in armed conflicts, whereas positive progress in peace processes in countries like Liberia and Côte d'Ivoire have brought hope for a better future to local civilian populations. This shows once again that the Security Council should focus more on how to deal with and address conflicts. In this connection, we are not in favour of establishing a Security Council working group on the question of civilians.

Lastly, the role of Governments in the protection of civilians should be respected and supported. Governments bear the primary responsibility for protecting their civilians. While the international community and external forces can provide constructive support, they must follow the provisions of the Charter, fully respecting the wishes and refraining from undermining the sovereignty and territorial integrity of the countries concerned, and even more so from forceful intervention.

The efforts of the Security Council alone are far from adequate to address the protection of civilians in armed conflict. We expect the General Assembly and the Economic and Social Council to play bigger roles, and encourage international institutions, such as the United Nations Development Programme and the World Bank, and regional organizations, such as the African Union, to do their part to help the countries concerned with their economic development, settlement of conflicts and civilian protection. We also welcome a positive role for non-governmental organizations in this respect.

China is willing to work together with other members of the international community to make pragmatic and effective efforts to achieve more constructive results in the protection of civilians in armed conflict.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I would like to begin by thanking you, Mr. President, and your delegation for having convened this important debate. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his briefing today.

The protection of civilians encompasses a set of principles, standards and policies aimed at diminishing the impact of conflicts on people who do not participate directly in them. Unfortunately, however, those people are their main victims. When we talk about the protection of civilians, we generally speak about an attachment to legality and respect for international law, in particular international humanitarian law and human rights.

That is why we vehemently reject the conduct of those who use situations of armed conflict as an excuse

to ignore standards such as the principle of distinction between civilian and military targets or the principle of proportionality in the use of force. We condemn indiscriminate attacks and the unlimited use of arms that cause excessive damage, retaliation against defenceless populations and belligerent actions that bypass the necessary precautions to minimize the impact of conflicts on civilian populations.

In recent years, we have been concerned by the growing number of civilian casualties, which become the "collateral damage" of military operations. This euphemism is not a moral or legal excuse to justify the harm caused to civilian populations. That is why we believe that any incident in which civilian populations are primarily affected must be investigated with a view to holding to account those who have violated the standards that prevail in conflict situations.

When the Security Council debates the protection of civilians, it does so in a very specific context and language. This is neither an academic forum, nor a body geared exclusively towards political deliberation or debate. This debate, as with all held by the Security Council, must be an instrument to guide and to facilitate specific decision-making. That is why the challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the Security Council and other bodies and agencies of the Organization.

In order to overcome those challenges, we also believe that the Security Council must invest greater efforts in three key areas: the prevention of conflicts and of their recurrence, early warning systems, and rapid and effective responses to situations specifically threatening civilian populations.

Human security is multidimensional and comprehensive. In this understanding, insecurity in any of its dimensions has an affect on a situation in its entirety. That is why we must continue to address the deep-rooted causes that lead to conflicts, and above all to prevent their recurrence.

In this respect, we believe it necessary to continue strengthening initiatives such as the Peacebuilding Commission, a useful instrument of great potential, in order to prevent the recurrence of conflict. Likewise, the building and strengthening of national capacities in judicial matters, security sector reform and rule of law reform are all major pillars of conflict prevention strategies.

In the area of early warning, the Council must continuously have timely, comprehensive and updated information on matters relating to the protection of civilians, particularly on the identification of situations that involve imminent risks for civilian populations. That is why we emphasize the importance of this item being included systematically in the reports and recommendations of the Secretary-General in consideration of specific situations, most importantly when it comes to the establishment, revision and renewal of peacekeeping mission mandates. Moreover, we believe that the expert group on the protection of civilians is a valuable opportunity to lend continuity to the analysis and discussion of this issue.

The Council must respond swiftly and decisively to crises. Civilian protection must be provided at the outset in efforts to achieve a cessation of hostilities and to negotiate peace. At all times, we must urge the cooperation of all parties to a conflict in order to create areas of security, neutral zones or humanitarian corridors that will make it possible to evacuate or provide assistance to the affected populations. We also highlight the vital importance of safe and unhindered access for humanitarian assistance, which is a fundamental prerequisite for its effective provision.

We stress the importance of clear civilian protection mandates as a key aspect in the design and composition of peacekeeping missions, as well as the need for clear guides and standards for military intervention in order to permit effective protection of the civilian population. In that regard, my delegation supports the Secretary-General's recommendation, set out in his 20 October 2008 report on the Sudan (S/2008/662), that the Security Council consider holding a thorough debate on provisions related to the protection of civilians in imminent danger.

We have listened to and share the concerns repeatedly expressed by the Department of Peacekeeping Operations, the troop-contributing countries and the humanitarian community regarding the lack of clarity in civilian protection mandates. We believe it is time that the Council, together with the Secretariat and the General Assembly — in particular the Special Committee on Peacekeeping Operations — develop clear civilian protection guidelines that could be translated into realistic standards applicable to peacekeeping troops in combat situations. The need for that was clearly indicated by the Council in resolution 1674 (2006).

Furthermore, it is absolutely essential that peacekeeping missions be appropriately structured and, as Mr. Holmes pointed out, provided with the equipment and technology they need to duly carry out their civilian protection mandates, particularly in cases in which greater resources are urgently needed to expand monitoring, information-gathering and patrolling activities in conflict zones where there is an imminent danger of attacks against civilians.

Another major challenge to civilian protection is the fragmentation of the United Nations presence on the ground. We believe it is necessary to strengthen coordination among the humanitarian, military and political segments to guarantee the security of relief personnel and create the humanitarian space needed to provide assistance and an appropriate transition towards a phase of recovery and the restoration of order and the rule of law that would ensure full respect for and the promotion of human rights.

Finally, my delegation welcomes the timely updating of the aide-memoire to be adopted in the presidential statement today, and we thank the Office for the Coordination of Humanitarian Affairs for the work done. We appreciate the usefulness and value of that instrument in analyzing the key issues that we must consider in attaining the objectives related to civilian protection. The list of precedents considered by the Council on that subject is an important historical memory that will serve as a swift, easy and practical guide to assist the Council and ensure that the concerns and issues related to civilian protection will be appropriately reflected in the relevant resolutions and in the establishment, review and renewal of the mandates of peacekeeping missions.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): As usual, my delegation prepared a statement that was a bit long, and that statement is now before me. However, I find it extremely difficult and am extremely embarrassed to speak before the Security Council on the protection of civilians in armed conflict when it has become clear to everyone that there is a huge gap between what the Council says and what it actually does.

The continuing events in Gaza attest to that fact. The civilian population of Gaza has suffered long months of siege and starvation, trapped in a collective prison unprecedented in human history in terms of its scope and nature. Mercilessly deprived of food, medicine, fuel and all of life's necessities, they have, in legal terms, been subjected to an attempt at genocide by an occupying force that has, regrettably, flouted all international law, including international humanitarian law, and mocked and disregarded all moral and ethical standards.

The tragedy of Gaza has raised serious doubts as to the credibility of the Security Council. The Council has remained unable or unwilling to shoulder its responsibilities during the siege. The position that the Council took regarding the siege sent a clear message to the aggressor that it could escalate its aggression, because that aggression continues. However, could any aggression be more serious than aggression that deprives the people of all of life's necessities? Thus, Israel has attacked a civilian population that has been deprived of water, starved and weakened by a blind war machine that indiscriminately bombs residential areas, refugee camps, houses of worship, schools and universities, United Nations facilities, humanitarian assistance convoys, ambulances and rescue personnel.

Council members have heard that the numbers of dead and wounded are increasing by the minute; they have seen the magnitude of the destruction, which is increasing every minute; they have seen the child victims of phosphorus bombs; and they have heard that the aggressor has even prevented the International Committee of the Red Cross (ICRC) from gaining access to affected areas and reaching victims. The Council has heard statements by eyewitnesses who cannot be doubted, including Mr. Jakob Kellenberger, President of the ICRC, and officials from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), describing Israel's brutal practices against the civilian population in Gaza.

However, the Security Council continues to be unable or unwilling to do anything. After much procrastination and hesitation, it adopted resolution 1860 (2009). The resolution had absolutely no effect, and the reason for that is clear. Thus, the Israelis have continued to pursue this brutal massacre, unfortunately with the active financial and technical support of some who have also provided the aggressor with munitions to perpetrate its crimes. Those abettors do not hesitate to offer flimsy excuses for their actions, while at the same time setting conditions for an end to the fighting. Those who do so are in no way embarrassed to speak today of the protection of civilians in armed conflict.

Developments in Gaza over the past three weeks have surpassed in brutality anything we have seen before. As described by Mr. Ging, Director of UNRWA Operations at the Gaza Field Office, they are a test of our humanity.

I believe that the failure of the Security Council to assume its moral and legal responsibilities for the events in Gaza and its complicity with certain actors in those events have made it extremely difficult for people to hear us speak of legitimacy, ethics and values. This has become an extremely embarrassing exercise for a person like myself, at least, who was raised on Islamic teachings that prohibit attacks on civilians and condemn duplicity and selectivity.

Mr. Le Luong Minh (Viet Nam): I join other speakers in thanking you, Sir, for convening this important meeting. I also thank Under-Secretary-General John Holmes for his informative briefing and the Office for the Coordination of Humanitarian Affairs (OCHA) for its efforts in preparing the updated aide-memoire on the protection of civilians to be adopted by the Council later today. I am convinced that the updated aide-memoire, with its new format and structure, will provide a useful tool kit for Member States and United Nations bodies in protecting civilians in armed conflict.

With armed conflicts spreading and escalating in many parts of the world, enhancing the protection of civilians has become more urgent and important than ever. While recognizing the considerable efforts made and initial progress achieved in the recent years by the Council and related United Nations bodies in protecting civilians in armed conflict, my delegation remains deeply concerned about the fact that civilians in many places continue to be the main victims of acts of violence and the indiscriminate and excessive use of force, especially those in which civilians are deliberately targeted in violation of international law, including international human rights and humanitarian law.

As we have emphasized at every Council and other meeting on this subject, Viet Nam is firm in its position that all indiscriminate attacks against civilians are unjustifiable under any pretext and that civilians must be assured of access to humanitarian assistance, particularly to food, fuel and medical treatment. We call upon all parties to armed conflicts to minimize military activities in and around civil locations and to take effective measures to protect civilians, especially the most vulnerable groups, such as children and women.

As this meeting of the Council is taking place, more and perhaps many more innocent civilians may be being killed or plunged into desperate conditions by unjustified military operations and acts of violence in and from Gaza. We urge the parties concerned to heed the call of the international community and of this very Council for an immediate ceasefire, put an end to acts of violence and implement the measures stipulated in resolution 1860 (2009), adopted by the Council six days ago, including the opening of border crossings to allow and facilitate humanitarian assistance.

As a gesture of solidarity with Palestinian civilians affected by the ongoing crisis, the Vietnamese Government has decided to extend $200,000 in assistance to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

My delegation is deeply disturbed by the displacement resulting from many conflict situations. We recall the alarming figures for refugees and internally displaced persons, mostly due to conflict situations, as stated by High Commissioner António Guterres in his briefing to the Council last week. We share the view that displacement as a result of conflict may become another source of conflict, since it is likely to cause social tension and all kinds of difficulties for the host location.

While the primary responsibility for protecting civilians lies with States, the United Nations system can and should play its critical role by providing political mediation and peacekeeping operations, as well as by coordinating humanitarian and development assistance. To this end, coordination among United Nations bodies in the area of protection of civilians should be further enhanced, particularly between the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General for Children and Armed Conflict and all United Nations field missions. We support an expanded and strengthened mandate of protection of civilians for United Nations peacekeeping missions on the ground, and hence intensive training in this connection for them before their deployment.

With regard to humanitarian access, which is one of the key issues in protecting civilians, we wish to emphasize again the imperative need to uphold the principle of neutrality, impartiality and independence with a view to ensuring effectiveness and efficiency.

Finally, while recognizing the need for further efforts to protect civilians in armed conflict, we hold the view that the establishment of any new mechanism within the Security Council should be carefully considered and studied in depth before a decision is made in order to avoid operational and institutional overlapping, as well as negative financial implications.

Mr. Mayr-Harting (Austria): At the outset, let me thank you, Sir, for organizing this very important debate and Under-Secretary-General Holmes for his important and impressive presentation. It was impressive, if I may say so, in its general thrust and important in particular in what you said about ongoing conflict situations, such as that in Gaza and southern Israel.

Austria associates itself with the statement to be delivered by the representative of the Czech Republic on behalf of the European Union later in this meeting. I should like to make a number of specific points.

First of all, we have seen an increasing focus on efforts to integrate protection concerns into peacekeeping mandates, increased efforts to fight impunity at the national and international levels, as well as the acceptance of the responsibility to protect. Those are developments in our debate that we welcome.

The Secretary-General has rightly stated that the protection of civilians in armed conflict must remain an absolute priority. He called for more systematic attention to protection concerns in the daily deliberations of the Council. Austria therefore welcomes the revised aide-memoire on the protection of civilians in armed conflict and would like to commend the Office for the Coordination of Humanitarian Affairs for its excellent work, which represents a comprehensive tool of real practical relevance to the work of the Council.

We further welcome the establishment of a Security Council expert group on the protection of civilians, which should permit the Council to receive detailed information from humanitarian, human rights and other experts. In a lessons-learned process, it should also enable the Council to address specific protection concerns in the establishment or renewal of peacekeeping mandates.

The Security Council should further contribute to strengthening the rule of law and international law by supporting criminal justice mechanisms. Where necessary, the Council should consider appropriate measures to encourage or compel prosecution of those responsible for international crimes, including referrals to the International Criminal Court or other appropriate accountability mechanisms. This is particularly true for sexual and gender-based violence or serious violations of child rights. In this area an accountability mechanism similar to the one on recruitment and use of child soldiers under resolution 1612 (2005) should be considered. The Council has to send a clear message to all parties to armed conflicts reminding them of their obligations and condemning violations of international humanitarian and human rights law.

With regard to the ongoing conflict in and around Gaza, Austria calls upon all parties to fully abide by their obligations under international humanitarian law. This includes the obligation by parties to an armed conflict to refrain from targeting civilians, to facilitate humanitarian operations and to allow rapid and unimpeded passage of relief consignments, equipment and personnel. One point that should be underlined particularly these days is that the protection of organizations and institutions providing humanitarian assistance, as well as humanitarian workers, must be ensured at all times. We agree with the Under-Secretary-General that the incidents that have occurred should be investigated, and we are happy that the Secretary-General has made this one of the messages of his current trip to the region.

We are also deeply concerned about conflict situations such as those in the eastern part of the Democratic Republic of the Congo and Darfur, in particular the deliberate targeting of civilians, including through the use of sexual and gender-based violence as a tactic of war aimed at destroying and dehumanizing entire communities.

Austria strongly supports the strengthening of protection mandates in peacekeeping operations. We are aware of the challenges of peacekeeping operations in implementing ambitious mandates on the ground. We thank the Under-Secretary-General for his analysis as to the challenges in this regard.

Important progress has already been made, as demonstrated, for example, by the new mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in resolution 1856 (2008), which makes the protection of civilians the key priority for the Mission. The United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union military operation in Chad and the Central African Republic (EUFOR) may serve as a good example of peace operations in support of humanitarian activities. In that context, Austria attaches great importance to the Secretary-General's upcoming report on protection of civilians. Austria is also pleased to support the study commissioned by the Department of Peacekeeping Operations and OCHA, which will serve as a basis for that review. At next week's Security Council debate on peacekeeping operations we will have a chance to discuss this issue in a broader context.

We also strongly agree with the Under-Secretary-General's positive assessment of the Convention on Cluster Munitions, signed by 95 States in December 2008. We join in his appeal to all States to sign and ratify that Convention as soon as possible.

In closing, let me once again stress that the Council needs to continue and further intensify its work on the protection of those who are most vulnerable in conflict situations: civilians, particularly women and children. Austria will do everything it can to move this matter forward during its tenure on the Council.

Mr. İlkin (Turkey): I first wish to thank Under-Secretary-General John Holmes for his comprehensive briefing. I would also like to express my appreciation to the entire team of the Office for the Coordination of Humanitarian Affairs (OCHA) for their valuable assistance in updating the aide-memoire that we expect to adopt today on issues pertaining the protection of civilians in armed conflict.

It has been more than five years since we last revised the aide-memoire, in 2003 (*S/PRST/2003/27, annex*). Since then, the substance of the matter has not changed much, except that it has become more compelling for the international community to act in unison with a view to protecting civilians in an increasingly volatile security environment. Indeed, it is extremely unfortunate — and, in fact, unacceptable — that the majority of casualties in armed conflicts continue to be civilians. Therefore we condemn in the strongest possible terms all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force.

Actually, what is happening in Gaza today is a living example of the tragedy that the civilians suffer in such armed conflicts. Indeed, the crisis, which has entered its nineteenth day with more than 900 dead and over 4,000 injured — one third of whom are children — comprises all the elements set out in the aide-memoire, ranging from misconduct of hostilities and the plight of the displaced people to lack of humanitarian access.

I am aware that this is not a specific debate on the tragic situation in Gaza, but it is absolutely relevant to what we are discussing today. So allow me to express our strong appeal to all the parties involved to cease the hostilities without further delay and comply with the terms of Security Council resolution 1860 (2009).

In view of the time constraints and the long list of speakers, I shall be brief.

First of all, I wish to underline that protection of civilians in armed conflicts is a common concern for us all and constitutes an issue of top priority for the entire international community. Of course, the best protection that can be offered to civilians is to prevent armed conflicts in the first place. However, we do not live in a perfect world. Therefore, in cases when prevention of armed conflict is not possible, protection of civilians is of utmost importance.

There is no doubt that the primary obligation for protecting civilians lies with States. However, the international community also has a shared responsibility to help protect civilians in situations where States fail to do so. Therefore, we need to build a collective awareness of the importance of this responsibility and must be able to agree on the fundamental guidelines.

The new aide-memoire that we expect to adopt today thus provides us with a convenient guide. We now need to make best use of these guidelines in addressing the actual problems on the ground, including in our decisions on peacekeeping mandates, because these problems lie with implementation rather than norm-setting. For instance, we are pleased to see that the legal framework for the protection of civilians in armed conflicts is largely in place. Nevertheless, the implementation of international instruments continues

to face serious challenges, for manifold reasons. We must thus be able to translate our legal commitments into practical deeds and action.

A case in point is related to the fight against terrorism. Indeed, terrorist organizations, whose primary aim is to inflict random violence on civilian and military targets alike, do not feel bound by any international legal framework. However, a number of members of the international community still fail to implement their commitments in the face of terrorist threats and acts.

Therefore, we must look into ways and means to further improve and coordinate our joint fight against this scourge, which is an integral part of our responsibility to protect. This is another area where individual endeavours of countries can achieve only limited objectives. It should thus be a collective effort in which all Members of the United Nations unite around common principles and goals. It is with this understanding that we join the presidential statement's condemnation of terrorism in all its forms and manifestations.

There are still many aspects of the responsibility to protect civilians in armed conflicts that require further and careful elaboration, including the dire circumstances faced by displaced people, including children and women, as well as the issues of small arms and land mines. But even more importantly, we should approach the question of protecting civilians from a much wider angle, ensuring continued stability and peace in conflict-ridden States, in particular through strengthening the rule of law, human rights, democracy and good governance, which is crucial for long-term and lasting protection of civilians.

Likewise, we should ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should be fully aware that they will face justice in all cases, for sustainable prevention and protection would be impossible if there is impunity. The international community has a duty to do more in this direction through capacity-building and technical assistance.

In closing, I should like to underline once again that the issue of protecting civilians in armed conflict is a cause that the international community must pursue with total determination. Two further reports of the Secretary-General, on protection of civilians and on sexual violence, are expected to be published in late May and June 2009 respectively, and Turkey will assume the presidency of the Security Council in June. Thus, protection issues are likely to be prominent on the Council's agenda during that period, and we will do our best to contribute to the work of the Security Council on this topic.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation is grateful for the convening of this debate, which is taking place at a time when the protection of civilians in armed conflict is taking on very special proportions and demanding the urgent attention of the international community. Mexico attaches great importance to this issue and fully supports the holding of Security Council debates on the subject.

We welcome the presence of Under-Secretary-General John Holmes and thank him for his briefing, which focused our attention on the seriousness of the situations of which he spoke.

The challenges that our Organization faces regarding the protection of civilians in armed conflict are very diverse and have become increasingly complex. Recently we have witnessed the consequences of violence in the Gaza Strip, where the large number of deaths and injuries among the civilian population has resulted in a humanitarian crisis of major proportions, as Under-Secretary-General Holmes reported today.

In this regard, as it has done before in the Council, Mexico reiterates its deep concern about the violence unleashed over the past 19 days and condemns the Israeli army's excessive use of force in Gaza, as well as the launching of rockets into Israeli territory from the Gaza Strip by Hamas, which has also resulted in deaths and injuries among the civilian population.

It is of particular concern to Mexico that in any conflict situation the parties should recognize that it is imperative to respect the provisions of international humanitarian law, in particular those set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In particular, my delegation reiterates its call for the parties concerned to respect and fully implement resolution 1860 (2009), which will lays the foundations for the immediate attainment of a durable ceasefire that will permit the humanitarian needs of the civilian population to be addressed and put an end to the pointless loss of innocent lives in the region. We consider that this

objective can be reached only through the establishment of an international ceasefire monitoring mechanism that, among other provisions of the resolution, will allow unrestricted access for humanitarian assistance, ensure the protection of the civilian population and address the human rights situation.

Some of the challenges that demand concrete action are: including the protection of civilians in the mandates of peacekeeping operations; sexual and gender-based violence; and the use of cluster munitions.

Access of humanitarian assistance to civilians during armed conflict is an issue to which Mexico devotes particular attention and which it considers to be a sine non qua for the protection of civilians. My delegation underscores its disagreement with interpretations that can restrict or exclude human dignity in complex situations and that favour positions that set this humanitarian principle against the principle of sovereignty.

Member States have an obligation to implement the relevant provisions of the Charter of the United Nations with a timely, proportionate and preferably preventive focus, in order to limit or minimize the effects of armed conflict on civilians, in accordance with international humanitarian law.

Gender-based violence, including sexual violence, whose main victims are women and children, constitutes another major challenge. In that regard, Mexico recognizes the Organization's efforts to combat this problem, such as the adoption of resolutions on peacekeeping operations in all of their aspects and on assistance to and support of victims of exploitation and sexual abuse committed by United Nations personnel. Such actions contribute to strengthening the image, credibility and effectiveness of the Organization.

Mexico calls upon all States to avoid the use of cluster munitions during armed conflict, because of their harmful nature and their indiscriminate effects, which affect entire civilian populations and constitute an obstacle to sustainable development. On 3 December 2008, in Oslo, Mexico signed the Convention on Cluster Munitions.

Mexico also advocates that the resolutions adopted by the Security Council regarding the protection of civilians in armed conflict should be duly based on and inspired by the norms and principles of international humanitarian law. That would foster the further consolidation and development of that body of norms and would provide additional legitimacy for the actions and decisions of the Council.

In addition, States, as parties to the four Geneva Conventions of 1949, have the obligation to respect and enforce the norms of international humanitarian law at all times and under all circumstance. That obligation is binding in particular on all parties to a conflict, whose duties and responsibilities are based not only on international humanitarian law, but on international law in general and customary international law.

Mexico stresses the importance of cooperation between States and the United Nations and, in particular, between the Security Council and the International Criminal Court, with a view to strengthening the Court and enabling it to fully achieve the goals it was created to accomplish. The existence of the International Criminal Court should not only be an incentive to strengthen national judicial systems, but should also provide effective mechanism to address crimes defined in the Rome Statute when national judicial structures have disappeared as a consequence of conflict. For that reason, Mexico recently ratified the Rome Statute, which is a legal instrument of enormous importance.

The update of the aide-memoire for the consideration of issues pertaining to the protection of civilians in armed conflict, whose main objective is to facilitate the evaluation that the Council conducts on that topic, will be a practical tool that will provide a base on which to improve analysis and diagnosis of the key aspects of civilian protection, in particular during deliberations on the mandates of peacekeeping operations, and for the strengthening of action in this sphere, taking into consideration the specific circumstances of each conflict situation.

Based on what I have outlined, my Government reiterates its call for all Member States to support the United Nations and other actors involved in efforts to create a culture of protection, in which Governments shoulder their responsibilities; armed groups respect the norms of international law; the private sector recognizes the impact of its engagement in countries in conflict in the context of international humanitarian law and human rights; and finally, Member States, as

well as regional and international organizations, act in a swift and decisive manner when facing humanitarian crises.

Mr. Okuda (Japan): We thank Under-Secretary-General Holmes for his briefing and commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its advocacy for the protection of civilians in armed conflict. Japan places emphasis on the protection and empowerment of civilians in armed conflict from the human security perspective, and we hope that the Security Council will continue to receive periodic briefings on this issue from the Emergency Relief Coordinator.

We welcome the adoption of the text of the Convention on Cluster Munitions at the conference held in Dublin in May last year as well as the participation of 94 countries, including Japan, at the Signing Conference of the Convention held last month in Oslo. The Convention on Cluster Munitions is a significant means for advancing a normative framework conducive to the protection of civilians. Japan has been actively contributing to the clearance of unexploded ordnance in countries affected by cluster munitions remnants, landmines and other ordnance, in addition to providing assistance to victims of unexploded ordnance. My Government will continue to work cooperatively and generously to further strengthen the international community's ability to address cluster munitions.

Japan anticipates that 2009 may well become a landmark year for the United Nations in realizing the protection of civilians in armed conflict. We expect that the revision of the aide-memoire and an independent study by OCHA and the Department of Peacekeeping Operations (DPKO) on the implementation of Security Council mandates on the protection of civilians will help the Council further deepen its consideration of this issue.

We welcome the completion of the revised aide-memoire and are pleased to see the draft presidential statement by which the Council will adopt it today. We repeatedly requested the revision of the aide-memoire in order to increase its practical applicability as a checklist for the Council's consideration of establishing or extending the mandates of peacekeeping operations.

Regarding the independent study, we believe that it is extremely useful to clarify how mandates on the protection of civilians granted by the Council are implemented in reality and what problems must be solved for the activities on the ground to be enhanced. We hope that the outcome of the study will include concrete recommendations for those responsible for implementing the mandates of the Security Council in the field.

In addition, in order to improve the Council's working methods, we wish to express our support for the Secretariat's delivery of a timely, appropriate and informal briefing to the Council's group of experts on the situation of the protection of civilians in specific conflict and post-conflict situations. There is no question that it would be beneficial for the Council to receive such a briefing, if it is to make wise decisions regarding the establishment or extension of mission mandates.

We are gravely concerned about the dire situation of vulnerable civilians in armed conflict worldwide, including in Afghanistan, Iraq, Darfur, the Democratic Republic of the Congo, Somalia and Sri Lanka, as Under-Secretary-General Holmes pointed out in detail. We cannot accept deliberate attacks against civilians, journalists and humanitarian workers; recruitment of child soldiers in camps for refugees and internally displaced persons; restriction of humanitarian access; sexual violence; or any other violations of international human rights and humanitarian law.

In this context, Japan continues to be seriously concerned about the situation in and around Gaza. Japan fully supports Security Council resolution 1860 (2009), which was adopted with the broadest possible political support. We would like to emphasize the importance of the safety and well-being of all civilians, and we emphasize that the Palestinian and Israeli civilian population must be protected. Japan condemns all violence and hostilities directed against civilians as well as all acts of terrorism.

The people in Gaza require immediate humanitarian assistance, and Japan will provide $10 million in aid, of which $3 million will be immediately provided through the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Japan also renews the call for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza. We fully support and appreciate the diplomatic efforts made by

various countries to bring about a ceasefire, especially those of Egypt.

As we mentioned last week on the occasion of the briefing by the United Nations High Commissioner for Refugees (see S/PV.6062), humanitarian assistance and the deployment of peacekeeping missions cannot provide lasting peace and durable protection: conflict prevention is the most effective and efficient means to protect civilians. We must address the root causes of conflict and invest more in addressing those causes. We therefore believe that, from the perspective of translating the concept of human security into practical solutions, reconstruction, job creation and the reintegration of displaced persons must be given a higher priority in peacebuilding strategies and must be implemented in all post-conflict situations, realizing a seamless transition from relief to development.

Lastly, we commend humanitarian personnel for carrying out their heavy responsibilities under conditions that are often extremely dangerous and difficult. We are deeply concerned about the deterioration in ensuring their safety and security. It is vital that a humanitarian space be provided in which humanitarian workers can safely perform their essential duties. We welcome the recent adoption by the General Assembly of its resolution 63/139, designating 19 August as World Humanitarian Day in order to raise public awareness about humanitarian activities worldwide. For our part, Japan calls upon all relevant parties concerned to take appropriate action to secure humanitarian space, fully respecting the neutrality and impartiality of humanitarian assistance.

Mr. Butagira (Uganda): Let me take this opportunity to thank Under-Secretary-General Holmes for his statement and for the good work that he and his team are doing.

Uganda's commitment to the protection of civilians is and will remain a priority. Our experiences with regard to the reception and protection of refugees, for example, date back as far as 1959 and have continued as recently as December 2008, when over 40,000 refugees crossed into Uganda due to instability in the region. Today, Uganda is host to approximately 145,000 refugees from various parts of the region.

Uganda is a country that has had to endure the hardship of having a large segment of our population become internally displaced persons and is a troop-contributing country within the region and beyond Africa, and the level of commitment that it attaches to the implementation of all the relevant resolutions on the protection of civilians cannot be overstated.

In countless forums, Uganda has decried the actions of the so-called Lord's Resistance Army, led by Joseph Kony. The activities of the Lord's Resistance Army have been characterized by crimes under international law, violations of international humanitarian law and countless human rights abuses. In this regard, Uganda condemns the renewed activities of the Lord's Resistance Army in Orientale Province of the Democratic Republic of the Congo as well as the continuous forced recruitment of women and children, massacres of civilians and wilful acts of rape and torture, looting and destruction of civilian property. Not only do these acts constitute a permanent threat to security in the region but they are also in direct contravention of relevant Security Council resolutions.

Long before the international community got involved in northern Uganda, our Government made several attempts to put an end to the senseless activities of the Lord's Resistance Army; those attempts ranged from combat operations and cross-border agreements to offers of amnesty. At the same time, the Government created protected areas in which the population in northern Uganda could assemble for easier protection as well as for the distribution of humanitarian assistance, leading to the hitherto unrecognized phenomenon of internal displacement. All this notwithstanding, the Government of Uganda continues to welcome an influx of refugees from within the region, which has put an undeniable strain on our limited resources.

Something should be done about non-State actors. These rebel groups who have terrorized civilians have no legitimate reason to be protected. These marauding groups of gangs must be dealt with. They have no respect for international humanitarian law. Uganda at one time was being threatened with being placed on the agenda of the Security Council simply because we were fighting these gangs. They said we should talk peace. We pointed out these rebels were not interested in peace. Eventually, we agreed to talks. But what has happened? We have been vindicated. The Lord's Resistance Army has refused to sign the final peace agreement. The rest now is history. As I have said, they are now terrorizing the region, killing civilians. The international community has now realized that these gangs must be fought.

What lessons can we draw from this history? These rebel groups must not be appeased. Sometimes we give them encouragement by expressions to the effect that there is no military solution, and this has given them a pretext to continue their heinous crimes.

As far back as 2004, Uganda developed a national policy on internally displaced persons in order to guide all actors in the protection of and assistance to internally displaced persons. With this policy in place, there was improvement in the standing of the rights of internally displaced persons and in the Government's meeting its responsibilities with regard to protection and assistance, as well as living conditions.

It is against that background that Uganda reiterates its commitment to the protection of the most vulnerable groups of civilians, especially women, children and persons with disabilities. The Government of Uganda has always ensured that it provides unhindered access to humanitarian personnel to provide assistance to civilians in armed conflict. The Uganda People's Defence Force has always provided protection to humanitarian workers.

As part of Government efforts to implement resolution 1612 (2005) and to instil respect for the rights of civilians among armed groups, Uganda has spared no effort in setting up educational programmes to curb the incidence of rights abuses. The Government of Uganda has periodically carried out human rights education programmes for the Uganda People's Defence Force and has participated in joint activities with UNICEF and the Office of the United Nations High Commissioner for Human Rights in the development of a national action plan against the recruitment of children in armed conflict.

Uganda welcomes the presidential statement and the aide-memoire to be adopted by the Security Council today, particularly because regional organizations like the African Union have recently taken up peacekeeping mandates in certain areas of conflict in the region. The actions of the Council are of great importance to Uganda as country whose troops make up a large percentage of the current deployment of the African Union Mission in Somalia. These documents serve as a reliable blueprint for us, especially as we venture into situations of uncertainty that are characterized by quickly evolving circumstances.

In conclusion, I would like to pay tribute to the various United Nations agencies and international non-governmental organizations, such as the International Committee of the Red Cross, the Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner for Human Rights, that have protection mandates and have worked closely with our Government in times of instability and hardship.

Mr. Kafando (Burkina Faso) (*spoke in French*): I would like to thank you, Mr. President, for having organized this debate on the protection of civilians in armed conflict, which is a subject of great importance and whose consideration by the Council is all the more important in light of the tragedy currently unfolding in Gaza, unfortunately demonstrating once again that civilians are always the first victims of armed confrontation. I should also like to thank Mr. John Holmes for his briefing.

The protection of civilians has several times been the subject of appeals and recommendations by the Security Council. Unfortunately, we must note that they have remained a dead letter. We still have occasion to regret the many violations of human rights and international humanitarian law in conflict zones, notwithstanding all of the legal instruments in force, in particular the Fourth Geneva Convention and the 1977 Additional Protocols.

We are particularly alarmed that civilians are often deliberately targeted by combatants, who often subject them to the worst abuse, including intentional massacres, cruel and degrading treatment, rape, the blocking of humanitarian access and, not least, the enlistment of children in armed forces. These acts are intolerable and deeply reprehensible, since they imperil the most precious human asset — human dignity, the fact of being human.

In this regard, the situation of refugees and displaced persons deserves the ongoing attention of the international community. As the briefing of 8 January gave us occasion to recall, these groups are easy combat targets, in particular those who are most vulnerable, living in camps and in very precarious conditions.

Ensuring the protection of civilian populations is primarily the responsibility of States and of parties to conflicts. They must fully shoulder their obligations under relevant national and international legal instruments. They must not only cease their

reprehensible actions but also enable unconditional access to victims by humanitarian personnel.

The international community must also shoulder its responsibilities by providing resources to assist civilian populations. That is why thinking about the responsibility to protect should become more profound in order to avoid repetition of tragedies that we have witnessed in the recent past. We must reconcile the rights conferred on States by their sovereignty with the duty of the international community to react in an urgent and appropriate manner in cases of humanitarian disaster due to the inability of or refusal by a State to end that disaster.

For its part, and because it is the primary guarantor of international peace and security, the Security Council must be at the core of this common action. With regard to peacekeeping operations, the Council must provide adequately defined mandates. Furthermore, in cooperation with the Secretariat, it must provide for appropriate training for the personnel of peacekeeping operations in the areas of human rights, humanitarian law and the rights of refugees, with the aim of zero tolerance for any kind of abuse of which they may be guilty.

The best guarantees that we can offer to civilians for their protection are peace, stability and security. In other words, we must work to prevent conflicts, in particular by eliminating their underlying causes and settling conflicts swiftly when they break out.

Accordingly, we need to direct our efforts to the establishment of the rule of law, to strengthening democracy, good governance and respect for human rights and to safeguarding the sovereignty and territorial integrity of States. States must deal squarely with combating impunity by ensuring, in particular, the independence and effectiveness of their legal systems.

Furthermore, and in keeping with resolution 1325 (2000), there is an urgent and crucial need to strengthen the role of women in the prevention and peaceful settlement of conflicts as well as in post-conflict reconstruction efforts. Accordingly, we fully support the updating of the aide-memoire, which is a practical analytical and diagnostic instrument for addressing issues relating to the protection of civilians in armed conflict.

The most fundamental right of every human being is the right to live in dignity and security. No situation, not even war, can be used as an extenuating circumstance to call this right into question. States, parties to conflicts, the Security Council and the entire international community have an obligation to make the protection of civilians an absolute priority.

We therefore pay tribute to all those who, on all of the various battlefields around the world, have made this their vocation, sometimes at the cost of their lives. Without humanitarian personnel, many of the chaotic situations that we witness would be even more chaotic. Humanitarian staff must therefore be urgently provided with the most effective protection possible. This too is our collective responsibility.

Mr. Vilović (Croatia): At the outset, I wish to express our gratitude to the French presidency for the opportunity to discuss in the Security Council the important issue of the protection of civilians during armed conflict. I would like to take this opportunity to thank the Under-Secretary-General, Mr. John Holmes, for his very comprehensive briefing.

Croatia associates itself with the statement of the European Union to be delivered later by the representative of the Czech Republic.

In the light of the forthcoming sixtieth anniversary of the adoption of the Geneva Conventions, which lie at the core of international humanitarian law, this debate comes at a timely juncture. Yet, 60 years on, civilians continue to account for the majority of victims of actions by parties to armed conflicts and are often deliberately targeted and subjected to appalling human rights violations in contemporary conflicts worldwide.

In this regard, Croatia shares the deep concern for the suffering of civilians in many areas around the world, from the conflict areas of the Sudan and the Democratic Republic of the Congo and the current situation in and around Gaza to the ongoing humanitarian crises in Myanmar and Zimbabwe. In the case of Gaza, we continue to appeal to all parties to exercise maximum restraint in avoiding civilian casualties and to put the interests of civilian populations first, especially by guaranteeing unhindered access to humanitarian assistance and supplies and full respect of resolution 1860 (2009).

Situations of particular concern are those that continue to be characterized by indiscriminate violence and attacks against women and children. The increased

use of sexual and gender-based violence in armed conflict, including as a tactic of war, demand more effective implementation of resolutions 1325 (2000) and 1820 (2008). The struggle against impunity is an integral element of the protection of civilians, and we must ensure that the policy of zero tolerance towards sexual violence and abuse becomes a reality in all aspects of the Council's work. This calls for robust efforts on the part of United Nations country-specific mandates to overturn the pervading sense of impunity in countries like Côte d'Ivoire and the Sudan.

As we recently learned from the United Nations High Commissioner for Refugees, conflicts remain the major cause of the increasing number of refugees and internally displaced persons in the world. Their conditions are often exacerbated by serious security problems and grave breaches of international humanitarian law by combatants in the conduct of hostilities, which are often characterized by sexual violence and impeded humanitarian access. Croatia places great importance on the security situation in and around refugee camps. Given that, in the Democratic Republic of the Congo and the Sudan, such places remain the primary recruiting ground for child soldiers, more efforts are needed to mainstream child protection advisers in both Department of Peacekeeping Operations and Department of Political Affairs missions.

Although this Council has established a broad framework of thematic resolutions on this issue, greater systematic follow-up by the Council is required. In particular, Croatia advocates the need for a more consistent approach at the country-specific level. Even in cases where mandates include measures for civilian protection and respect for international humanitarian law, such as, most notably, in the United Nations Organization Mission in the Democratic Republic of the Congo and the African Union-United Nations Hybrid Operation in Darfur, the results have been very mixed to date. This failure to effectively implement these measures is often attributed to the absence of a systemic understanding of what types of activities fall under the umbrella of protection within peacekeeping mandates. Only when the Council's intent is translated into clear and actionable guidelines can protection-oriented initiatives on the ground be fully achieved by adequately trained personnel armed with the requisite resources.

While the primary responsibility for protecting civilians lies with the State, world leaders at the 2005 World Summit recognized the responsibility we all share to protect vulnerable communities from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has already demonstrated its preparedness to take collective action when national authorities manifestly fail to investigate, prosecute and adequately punish violations of international humanitarian law. We should not be seen wanting in translating these words into action. For its part, Croatia believes that the International Criminal Court has a key part to play when States fail to uphold these inherent responsibilities. It is our conviction that the obligation to cooperate with the Court, arising both from the Rome Statute and from decisions of the Security Council, must be strictly adhered to.

Furthermore, the full implementation of smart sanctions and other targeted measures by the Security Council with respect to individuals or parties to conflict carrying out widespread or systematic violations of international humanitarian or human rights law, including sexual violence, should not be overlooked.

We learned from the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, in an earlier debate this past October, that some important progress has been achieved in mainstreaming a gender perspective into the overall peace and security architecture. Indeed, the Council's thematic debates and discussions of country-specific conflict situations on its agenda that have addressed the protection of women and children have produced positive results. The watershed recognition in resolution 1820 (2008) of all sexual violence against civilians as a security threat and the need for a systematic response has created important momentum towards the protection of civilians, which we must be careful not to lose in the ensuing work of the Council. As part of this systematic response, Croatia further believes that, in line with the Secretary-General's recommendation, the Council should dispatch more missions to assess situations in which sexual violence is being used as a tactic of war.

Alongside the protection of civilians, another critical humanitarian challenge continues to be that of access of humanitarian assistance. The interests of civilian populations must be placed first, especially by

guaranteeing unhindered access to humanitarian assistance and supplies. Croatia is also deeply concerned by the continued dangers and security risks faced by humanitarian personnel at the field level as they operate in increasingly complex situations. Croatia commends the courage and commitment of those who work under great personal risk, especially locally recruited staff. We urge all humanitarian personnel on the ground to adhere to the principles of humanity, impartiality, neutrality and independence.

As a strong supporter of the Oslo process from its inception, Croatia joined other signatories in signing the Convention on Cluster Munitions in December. The conclusion of a legally binding international instrument that prohibits the use, production, transfer and stockpiling of cluster munitions represents an important step towards enhancing the security of civilians in conflicts in many regions worldwide.

In conclusion, Croatia views the latest updated version of the aide-memoire to be annexed to the draft presidential statement as a welcome step. We would like to express our gratitude to the Office for the Coordination of Humanitarian Affairs for all its efforts in compiling the latest text in consultation with the Council. It represents an important catalogue of Council precedents on key issues, which will allow the Council to be more systematic in its approach to integrating the protection of civilians into all relevant aspects of its work. Given the current trends in contemporary conflicts, Croatia would like to see the aide-memoire updated on a more regular basis.

Finally, in line with the EU's position, Croatia supports the establishment of an informal expert group on the protection of civilians. Croatia reiterates its continued commitment to the protection of civilians and looks forward to working with Council members and the international community to greatly improve their situation worldwide.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We believe the initiative to hold this meeting to be a very timely one, especially in the light of events in Gaza and the rising number of innocent civilian deaths in other regions of the world. We are grateful to Under-Secretary-General Holmes for the relevant information he has provided on this issue.

Despite the existence of a host of international legal instruments and normative mechanisms, entirely innocent civilians continue to suffer in conflict situations, including women, children and older persons and humanitarian personnel providing assistance to them. We are convinced that, in order to address the situation, we must abandon selective approaches to violations of international humanitarian law. There must also be strict adherence to human rights standards.

The relevance of that need was underscored by the tragic events of August 2008 in the southern Caucasus, when Russia's intervention alone prevented ethnic cleansing in South Ossetia. I recall that, on the night of 7 August, Georgian troops ruthlessly attacked the town of Tskhinvali. Innocent civilians were subjected to a barrage of heavy artillery and the launching of numerous Katyusha rockets. The Zar road, along which refugees were attempting to flee the town to safety, was singled out for attack. Homes, schools, kindergartens, hospitals and even ambulances were fired at. In the first hours, many hundreds of people were injured or killed. In recent months, those facts have been convincingly corroborated by documents as well as the media. However, certain influential members of the international community are in no hurry to provide a political assessment of the situation, without which it is impossible to seriously consider the issue of the protection of civilians in armed conflict. Of course, prosecuting those responsible for those crimes continues to be an urgent matter.

We strongly condemn deliberate attacks on and the killing of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. In that regard, we are deeply concerned about the escalation of the crisis in Gaza as a result of Israel's military operation. The situation in Gaza is on the very brink of a humanitarian catastrophe. The Russian Federation has provided urgent humanitarian assistance to Gaza's population through Egypt.

As a result of full-scale military operations, there has been a sharp increase in casualties among the Palestinian civilian population, more than a third of which have been women and children. We are deeply concerned about reports of Israel's use of cluster bombs, whose use is prohibited in populated areas, the destruction of infrastructure, including United Nations schools, and the deaths of humanitarian personnel from Israeli fire. Those actions are absolutely inappropriate and are flagrant violations of international law. We call

upon all parties to comply with resolution 1860 (2009) and to immediately cease fire.

Civilian populations continue to suffer in Iraq and Afghanistan. That matter should receive greater attention from the Security Council and other United Nations bodies. There is no justification for armed groups that attack innocent civilians, commit terrorist acts or seize hostages. Unfortunately, civilians continue to die in Iraq and Afghanistan with tragic regularity, and not just as a result of their actions. Once again, just a few days ago, 17 Afghan civilians, including women and children, were killed during a coalition operation in eastern Afghanistan. We underscore the responsibility of all parties, including the multinational forces, to ensure the security of civilians and comply strictly with the norms of international humanitarian law. We support a careful investigation into such incidents, including punishment for the guilty. That also applies to the activities of private security companies. The holding of hundreds of children in military jails in those countries on the basis of arbitrary accusations and without access to civilian justice is unacceptable.

We are also very concerned about the situations in the Democratic Republic of the Congo and Somalia, where civilian lives are under serious threat from the criminal actions of armed groups.

The situation of Darfur's civilians is also difficult. There is hope for improvement as a result of the political process of negotiations, including the full deployment of the African Union-United Nations Hybrid Operation in Darfur.

The protection of civilians is a top priority for the Governments of States involved in conflict, but the responsibility to provide for the safety and security of civilians is borne by all parties to an armed conflict. In order to resolve such situations, the international community must effectively seek scrupulous compliance by all parties with the norms of international humanitarian law and the relevant decisions of the Security Council.

Ms. DiCarlo (United States of America): I too would like to thank Under-Secretary-General Holmes for his briefing. I would also like to thank him and his staff for their work to update the aide-memoire on the protection of civilians in armed conflict.

The United States shares the concerns of the international community with regard to the vulnerability of civilians who find themselves in the midst of conflict through no choice or fault of their own. Women and children are particularly vulnerable in those situations. While the need for the protection of civilians is clear, how to achieve that goal is one of our most pressing collective challenges.

The primary responsibility for protecting civilians lies with all the parties to an armed conflict. The United Nations also has an important role. The protection of civilians is now specifically included in half of the mandates of current peacekeeping operations, and is the core mandate of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations High Commissioner for Human Rights.

The United States shares the view that we must stand ready to help to promote the safety and security of the dedicated humanitarian workers who attempt to provide relief for civilian populations throughout the world. As we all know, there is a lack of humanitarian access in many areas of conflict, which should be urgently addressed.

The situation in Gaza gives us all pause, as we contemplate how the conduct of hostilities and violence in both Gaza and southern Israel impacts the civilian population. As suggested by resolution 1860 (2009), intra-Palestinian reconciliation and the implementation of the two-State solution will provide the ultimate guarantee of the protection of civilians in both Gaza and southern Israel.

For the immediate term, the United States reiterates the call, recently made in resolution 1860 (2009), that all violence against civilians, including acts of terror, be halted, with an eye towards a durable and fully respected ceasefire. We must not forget, however, that this outburst of violence was instigated by Hamas, a terrorist organization that called for the destruction of Israel, by its barrage of rockets and mortars that deliberately targeted Israeli civilians.

Ongoing hostilities in Gaza have exacerbated the plight of the Palestinian people by making it more difficult for the international community to deliver much-needed humanitarian assistance and goods to the people in Gaza. The United States echoes the call for the unimpeded provision and distribution of adequate humanitarian assistance to meet the growing

humanitarian needs of Palestinians in Gaza, including provision of food, fuel, shelter and medical treatment, as well as protection for the displaced. We further note an additional obligation of all parties to refrain from deliberately using the civilian population and religious, educational and civic institutions to shield active combatants, command and control facilities and munitions stockpiles. The United States calls on Hamas to immediately cease this reprehensible and cowardly practice that places innocent civilians at grave and unacceptable risk.

While Israel has an unquestionable right to defend itself against terrorist attacks, we urge the Government of Israel to take all appropriate steps to ease access and movement for humanitarian goods and workers, to avoid civilian casualties and to minimize the impact on innocent civilians.

My Government also remains gravely concerned about the ongoing and widespread use of sexual and gender-based violence in conflict situations throughout the world. This is one of the most significant protection challenges, and one that is too often ignored. Sexual and gender-based violence must be more effectively addressed, and United Nations peacekeeping missions have a clear role to play in preventing this violence and addressing its impact. The United States condemns sexual violence as an instrument of policy and calls for an end to this gross injustice. We urge States to take concrete steps to end both the use of rape as an instrument of war and impunity for perpetrators.

We are also deeply concerned about the recruitment of child soldiers by Governments and rebel movements in the Democratic Republic of the Congo, in the Sudan, by the Lord's Resistance Army, by the Burmese regime, by the Liberation Tigers of Tamil Eelam in Sri Lanka, by the Revolutionary Armed Forces of Colombia and by other groups and Governments too numerous to name here.

The United States continues to seek comprehensive approaches to resolve protracted refugee situations in all parts of the world through support for durable solutions. We also seek innovative approaches to develop livelihood strategies and to maximize opportunities for the self-reliance and empowerment of refugees. Where conflict is causing civilians to flee and seek asylum, we are working actively with other Governments to provide protection to those in need.

We call on Member States to renew their commitment to uphold the right to asylum, to protect civilians from forcible return to situations where they fear persecution and to provide durable solutions for refugees and stateless persons. The United States for its part provides a significant portion of the funds needed by United Nations agencies to do their good work, as evidenced in part by our recent pledge of $85 million to assist the United Nations Relief and Works Agency for Palestine Refugees in the Near East in its work to care for Palestinian refugees.

The United States is working in other ways to actively promote the protection of civilians. A primary example is our work in training peacekeepers through the Africa Contingency Operations Training and Assistance (ACOTA) programme. Through ACOTA we provide training for African peacekeepers preparing to deploy to regional or international missions on their continent. In 2008, the United States trained over 26,000 African peacekeepers through this programme. Ninety-two per cent of these ACOTA-trained peacekeepers are deployed to the United Nations Mission in Liberia, the United Nations Organization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Operation in Côte d'Ivoire, the United Nations Interim Force in Lebanon and the African Union Mission in Somalia, with the additional 8 per cent standing by for planned deployment.

The United States remains committed to the protection of civilians in armed conflict, both in connection with the work of the Council and in our activities throughout the world. We applaud efforts by the Office for the Coordination of Humanitarian Affairs and other United Nations offices to assist the civilian victims of armed conflict. We fully endorse the work of the United Nations in this realm and pledge continued United States support to prevent and mitigate the effects of conflict on civilian populaces throughout the world.

Ms. Pierce (United Kingdom): Let me join others in thanking the Under-Secretary-General for his briefing today. We share many of the concerns that he has raised, and the aide-memoire that we have gathered to adopt today shows the weight of consideration that the Security Council has given to this issue over the years.

But I think we need to apply some perspective: Have we really come far enough? Given the perilous situation in which many civilian populations find themselves today, it is imperative that the Security Council proactively ensure that this issue remains at the forefront of our work.

We are very grateful to the peacekeepers who take on the vital protection function. But we should not forget that it is the parties to an armed conflict who bear the primary obligation under law to protect civilians.

I want to say at the outset that I have listened very carefully to the debate today, and I have also listened to the national experiences that Council colleagues have described. I must say that I do not agree with all the characterizations of situations that we have heard today. But I do not want to turn this of all meetings into a political debate, so I will not go into detail. I would simply like to place on record that we do not share all those characterizations.

The Under-Secretary-General rightly led off with Gaza, and this is very much at the forefront of everyone's minds, as we have heard today. We discussed it also in last week's meeting with the United Nations High Commissioner for Refugees (see S/PV.6062). The civilian population now is all the more vulnerable because it cannot flee. I would like to join other Council members in reiterating the call for an immediate and durable ceasefire, condemning all acts of violence directed against civilians and condemning all acts of terrorism. What we and others need to see is the full implementation of resolution 1860 (2009).

I would also like to pay tribute to the United Nations and other workers who are trying to bring stability, peace and help to Gaza in what are obviously extremely difficult circumstances.

We have heard a number of speakers raise various conflicts which are on our minds at the moment. In addition to Gaza, I would like to bring up the situation in the Democratic Republic of the Congo. Events there have emphasized the scale of the task we face. Obligations are not being met. The Council has been very clear that the primary task for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is the protection of civilians. We would like to see its unambiguous mandate in this respect translated into action on the ground. We would like to see the concept of operations adjusted to reflect the priority that the Council attaches to the protection of civilians. In turn, that requires an understanding of the specific activities that peacekeepers can conduct to turn Council language into reality.

A while ago, it was incumbent on NATO and other nations to go into Bosnia to uphold the Dayton Peace Agreement. I think that was one of the first mandates in recent times to have had protection of civilians as one of its core tasks. I would like to take this opportunity to invite all Council members who, for one reason or another, opposed robust language in peacekeeping mandates on the protection of civilians and who opposed chapter VII authority to back up forces who undertake tasks for the protection of civilians to reflect on whether their actions, whatever the political justification may be, are actually, overall, aiding the Council's work on protection of civilians.

The protection of civilians is not a role for which many militaries have traditionally trained. The implementation of Council directives on protection have been met with adaptation and flexibility by United Nations peacekeepers. We now have good practice on which we can build, but we need a more systematic approach on this to ensure that protection issues are properly understood and that there is comprehensive United Nations guidance on how exactly to go about engaging in protection: what it means to take given decisions on a given day on the ground. We feel that practice here is somewhat incomplete and that more training for troop contributors in the field could be useful in that respect.

Afghanistan was mentioned by the Under-Secretary-General and a number of other speakers. We very much regret the civilian non-combatant deaths and casualties there, and we send our condolences to the victims. I want to make it clear that we do not target civilians. We keep our procedures on targeting under rigorous review, and we will continue to do so.

Other things that we have been discussing include the informal Council expert group. We hope that we can create such a group to help the Security Council, under resolution 1674 (2006), to systematically address protection issues. The aide-memoire can be an important instrument underpinning the expert group's considerations. Likewise, we support the United Nations system's ongoing work to produce guidance for peacekeepers, as I said earlier.

If we engaged in more systematic consideration of protection issues, such as through an expert group, that might also provide an opportunity for some creative thinking about how to deal with uniquely difficult situations. We heard about the Lord's Resistance Army today; we too are very disturbed by the recent reports of the high number of civilian casualties that they have inflicted. I think that the Permanent Representative of Uganda captured the problem well when he talked about the need for the Council to find some way to address non-State actors. I hope that that could be a theme of ours in 2009.

I should like to conclude by mentioning the responsibility to protect. The 2005 World Summit Outcome is clear about the responsibility that falls to the Council under the responsibility to protect. There is not yet a unified view within the Council or within the membership at large about what the responsibility to protect means in practice, but I hope that the recent work done in that area, including by representatives of the Secretary-General, can shortly bring us to a common understanding of what needs to be done as part of our work to address the question of enhancing the protection of civilians.

The President (*spoke in French*): I shall now make a statement in my national capacity.

I should like at the outset to welcome the Under-Secretary-General and commend his continued commitment, as well as that of his teams on the ground, to the protection of civilians in armed conflicts. I should also like to thank him for his introductory statement today.

France, of course, aligns itself with the statement to be made shortly by the representative of the Czech Republic on behalf of the European Union.

Our debate is taking place in a particular context, which everyone has stressed. We are, of course, deeply concerned by the situation in Gaza. Once again, the civilian population is paying a terrible price. We urge the parties to the conflict to spare civilians. International law, in particular international humanitarian law, must be respected. We condemn violence against civilians, whether they be Palestinians or Israelis. We also condemn terrorism in all its forms.

In our view, the absolute priority should be the implementation of a ceasefire, as requested in resolution 1860 (2009). In that regard, we hope that the diplomatic efforts under way, in particular the Franco-Egyptian plan, will very soon succeed. The news reaching us from Cairo appears promising in that regard.

Generally speaking, the international community must ensure effective compliance with the rules of international law concerning the protection of civilians. The United Nations is sparing no effort in that respect, particularly in the context of peacekeeping operations. It is preparing to take over from the military missions carried out by the European Union in eastern Chad and north-eastern Central African Republic, in addition to that carried out with the African Union in Darfur, through the African Union-United Nations Hybrid Operation in Darfur.

The renewed mandate of the United Nations Organization Mission in the Democratic Republic of the Congo at the end of last year is centred on the protection of civilians, and we welcome that. However, the civilian protection mandates entrusted to peacekeeping operations in cooperation with the Office for the Coordination of Humanitarian Affairs (OCHA) must be concretely reflected on the ground. That dimension must be systematically incorporated into operation planning documents. This point will be among those to be discussed at the peacekeeping seminar and debate to be held in the Council by France and the United Kingdom on 22 and 23 January.

France welcomes the establishment of the Security Council's informal expert group on the protection of civilians. The group is necessary. It must enable the Council to respond more systematically to the need to protect civilians in cases in which a peacekeeping operation is being considered or renewed. France thanks OCHA and supports the updated aide-memoire that we will adopt shortly. It should serve as a reference. We must also develop language to address the challenges facing us.

However, France regrets the fact that the aide-memoire did not devote a separate section to sexual violence, as initially planned. Indeed, sexual violence is used in many conflicts as a weapon of war against civilians, particularly in the Democratic Republic of the Congo and in the Sudan. Women are particularly affected. France calls for strict compliance with resolutions 1325 (2000) and 1820 (2008) and encourages the Council to give this issue all the importance it deserves.

Finally, we must give particular attention and particular protection to children. The activities of the Working Group of the Security Council on Children and Armed Conflict, which France has had the honour to chair since its establishment, has made it possible to document the demobilization of thousands of child soldiers. We must strengthen their reintegration into civil society and muster the necessary resources to that end.

France supports the idea that reports of the Secretary-General on the situations in various countries should specifically address civilian protection. States have the primary responsibility for protecting their populations from the most serious humanitarian crimes, but the international community must be ready to mobilize in the event of inability or lack of will on the part of States.

As members are aware, France is particularly committed to the concrete implementation of the concept of the responsibility to protect. It is an ambitious concept. It does not mean merely intervening in the midst of a crisis to stop the most horrendous crimes; it means acting in advance to prevent them. It is time to strengthen the warning and surveillance mechanisms in areas and situations at risk. Let us work together in the months ahead to achieve a consensus on that point.

What would the protection of civilians be without the fight against impunity? Those responsible for the most serious crimes must be pursued and punished. In particular, France reaffirms its support for the activities of the International Criminal Court and calls upon all States to accede to the Rome Statute.

France welcomes the adoption, at the Dublin Conference, of a binding text banning all cluster munitions causing unacceptable damage to civilian populations, as well as the fact that 94 States have signed the Convention on Cluster Munitions.

Forced displacements concern us. France commends the activities of the Office of the United Nations High Commissioner for Refugees and of all those involved in providing assistance to refugees and internally displaced persons. The civilian nature of camps for refugees and displaced persons must be guaranteed. The voluntary return of such persons, as long as the conditions for security are fulfilled, and the rights of returnees must be guaranteed. Resettlement can be considered an alternative solution to voluntary return.

Finally, the number of humanitarian workers killed this year is the highest ever recorded. We must protest and combat that situation, which is not acceptable. All attacks against humanitarian personnel must cease. Host States must ensure their security, thus helping to protect civilians.

France appeals — everywhere, strongly and systematically — for compliance with international humanitarian and human rights law. This battle is essential. It must be fought in unity and with resolve. France is committed to it.

I now resume my functions as President of the Security Council.

I call on the representative of the Czech Republic.

Mr. Palouš (Czech Republic): I have the honour to speak on behalf of the European Union (EU). The candidate country Croatia and the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as Armenia, the Republic of Moldova and Ukraine, align themselves with this statement.

I should like to thank the presidency of the Security Council and the Secretary-General for this thematic debate and to commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his informative briefing.

The European Union particularly welcomes this debate, as it is taking place 60 years after the adoption of the Geneva Conventions, which contain the core norms and principles of international humanitarian law concerning the protection of civilians in situations of aimed conflict.

In this respect, the EU urges States that have not yet done so to accede to both Additional Protocols of 1977 to the Geneva Conventions and to consider accepting the competence of the International Fact-Finding Commission, pursuant to Article 90 of the Additional Protocol I.

On numerous occasions, the Security Council has demanded that all parties to armed conflicts comply with their obligations under international humanitarian

law to protect civilians in armed conflicts. Unfortunately, as we speak, civilians continue to bear the brunt of the conflicts.

The EU emphasizes the need to develop in parallel additional concepts based on the aim to protect civilian populations, human security and the responsibility to protect. The EU welcomes the endorsement by heads of State and Government of the principle of the responsibility of protection; therefore, we call for the full implementation of this principle by the Security Council as well as by the General Assembly. The EU is ready to contribute and commends other organizations or groups for taking initiatives to make this principle a norm in international relations.

The EU is firmly committed to the full and effective implementation of Security Council resolutions 1325 (2000) and 1820 (2008). The EU is concerned by the continued high prevalence of sexual and gender-based violence in situations of armed conflict, including as a tactic of war. Resolution 1820 (2008) also calls for dealing with these crimes as a security problem, requiring a systematic security response that is proportional in scale and magnitude.

The EU has been strengthening its policy on sexual and gender-based violence by pursuing three objectives: preventing violence, protecting and supporting victims, and combating the impunity of perpetrators of violence. The EU member States demonstrated their deep commitment to these objectives by co-sponsoring resolution 1820 (2008) and by adopting long-term EU guidelines on violence against women and girls and combating all forms of discrimination against them in 2008, as well as adopting a European Security and Defence Policy document on the implementation of resolution 1325 (2000) as reinforced by resolution 1820 (2008) in the context of the European Security and Defense Policy.

Similarly, the EU continues to strongly support the valuable work done by the Special Representative of the Secretary-General for Children and Armed Conflict and the Security Council Working Group on Children and Armed Conflict. The EU member States continue to implement long-term EU guidelines on the protection of children affected by armed conflict and is interested in cooperating with other States on this issue on the basis of resolution 1612 (2005), which sets an enhanced framework for the protection of children in armed conflict.

The EU remains deeply concerned by the continuing practice of recruitment and use of child soldiers, in clear violation of international legal obligations and other relevant principles. In this context, I would like to invite all countries to ratify and implement the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, and to adhere to and follow the Paris Commitments and Principles adopted in 2007.

We should also bear in mind the basic needs of refugees and internally displaced persons. The EU is continuously concerned by the growing number of internally displaced persons and calls for ensuring their protection.

Regrettably, in many conflicts, impunity prevails due to the lack of political will and action. Therefore, the Security Council should make clear once again that any action against civilian populations, including genocide, war crimes and crimes against humanity, are unacceptable. The International Criminal Court (ICC), the International Criminal Tribunals and the special courts are working hard to promote peace and justice. The EU encourages all States to provide their full support to the ICC by acceding to the Rome Statute and cooperating with the Court. All appropriate measures should be used to prevent violence and to bring to justice perpetrators of serious violations of human rights and international humanitarian law. The EU would also like to express its full support for the Special Adviser to the Secretary-General on the Prevention of Genocide.

Let me reaffirm our gratitude to and solidarity with humanitarian actors whose safe, unhindered and timely access to the civilian population, in particular in times of armed conflict, is a fundamental condition for the fulfilment of their mandates and mission.

We encourage humanitarian personnel on the ground to follow the principles of humanity, impartiality, neutrality and independence, and we call on the recipient countries to ensure their safety and security. We urge all countries that have not yet done so to sign and ratify the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, and we invite the Secretary-General to further include their provisions in host country and other agreements.

A landmark development has recently taken place on the containment of the risks posed by cluster munitions. The EU wishes to commend the increasing support of States for the Convention on Cluster Munitions, which prohibits the use, production, transfer and stockpiling of cluster munitions. The EU remains determined to negotiate within the Convention on Certain Conventional Weapons, a legally binding instrument that addresses the humanitarian concerns of cluster munitions in all their aspects. In the view of the EU, such results would reinforce the importance of this convention as part of the corpus of international humanitarian law.

The EU welcomes the progress achieved in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the review of the Geneva Declaration on Armed Violence and Development during the year 2008. Mainstreaming coherent policies on small arms and light weapons within United Nations agencies and among its Member States remains a challenge that needs to be addressed in depth.

Finally, the EU maintains the view that the protection of civilians is a key aspect of the United Nations peacekeeping and peacebuilding efforts, and must be comprehensively, systematically and consistently incorporated in all Security Council mandates.

The EU wants to underline that the Security Council has recently made important decisions that enforce the protection of civilians component and the respect of international humanitarian law in the mandates of the United Nations Organization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad. The EU looks forward to the Secretary-General's report on the implementation of the protection mandates in the peacekeeping missions.

In this context, the EU also emphasizes the need for close coordination and meaningful positive synergies of policies regarding the protection of civilians within the United Nations framework activities in other key areas, such as human rights, gender equality, children in armed conflict, the rule of law, small arms and light weapons, disarmament, demobilization and reintegration, and security sector reform.

We believe that the updated aide-memoire to be annexed to the statement by the President of the Security Council will prove to be an inclusive instrument in integrating various aspects of the protection of civilians. I want to express the EU's firm support for the establishment of an informal experts group on the protection of civilians and encourage the use of the aide-memoire as a reliable reference for future reviews of peacekeeping and other mandates.

With this, let me reassure the Council of the EU's continued commitment on this important issue.

The President (*spoke in French*): I now call on the permanent representative of Italy.

Mr. Terzi di Sant'Agata (Italy): I wish to thank you, Sir, for taking the initiative to convene this debate. I also wish to express my sincere appreciation to Under-Secretary-General Holmes for his thorough and passionate briefing, which gives us a picture of the progress achieved and of the ongoing concerns about the protection of civilians in armed conflicts. This briefing confirms his focused and action-oriented approach.

Italy fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union. I will touch on points of particular interest to my country.

Today we have heard once again from Under-Secretary-General Holmes a very disturbing description of the negative effects of conflicts around the world, especially in Gaza and southern Israel: denials of humanitarian access and the appalling consequences of hostilities, including the scourge of sexual violence. When sexual violence targets or is part of a widespread attack against a civilian population, it becomes a method of warfare. This is inadmissible. In such cases, sexual violence constitutes a threat to international peace and security and the Security Council, in our view, should be able to intervene.

In operational terms, allow me to take advantage of my country's recent experience as a non-permanent member of the Security Council to recall the following.

When it comes to peacekeeping, United Nations operations should be clearly mandated to ensure the protection of civilians, as was the case during the

negotiations for the renewal of the mandate of the United Nations Assistance Mission in Afghanistan, and to subsequently report on it. Once again, we welcome the joint study being conducted by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO).

We also welcome the positive developments in the Secretary-General's proposals for an informal consultation forum on protection among Council members at the expert level. We firmly believe that this would enable all Council members to systematically consider the protection of civilians in the Council's deliberations, specifically on the establishment, assessment and renewal of peacekeeping mandates. In this regard, we should encourage DPKO's development of policies and guidance to ensure the consistent and harmonized implementation of the mandates.

With regard to access, we need to enhance the Emergency Relief Coordinator's monitoring of and reporting on serious access constraints.

On a more general note, I would like to recall the reaffirmation in resolution 1674 (2006) of the principle of the responsibility to protect, a cardinal achievement of the United Nations. This principle implies that sovereignty brings special responsibilities. Governments must protect their own populations, and the best way for them to do so is to promote human rights, the rule of law and democratic governance. Only when a Government is unable or unwilling to do so should the international community intervene. The responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the Summit Outcome Document (General Assembly resolution 60/1) are met. In this framework, the debate on the upcoming report of the Special Adviser to the Secretary-General, Mr. Ed Luck, will be a timely opportunity to build on the consensus achieved at the 2005 World Summit and to concretely implement the responsibility to protect. Italy intends to actively participate in that debate.

I would also like to recall my country's commitment to combating impunity for international crimes. In situations in which any civilian population is the target of attacks, the Rome Statute of the International Criminal Court provides the legal basis for holding accountable those responsible for the attacks if a State is unwilling or unable to do so. In this regard, we must reiterate our commitment to ending impunity.

In closing, we welcome the Council's endorsement of the aide-memoire and stress the need to implement the approaches it sets out on a more regular and consistent basis.

The President (*spoke in French*): I now call on the representative of Canada.

Mr. McNee (Canada): On behalf of the Government of Canada, I would like to extend my thanks to France for convening this important debate today, and to thank the Under-Secretary-General for his briefing this morning and for all his very dedicated efforts for the protection of civilians.

This year's debate looks forward to the upcoming tenth anniversary of landmark achievements in advancing the protection of civilians in the Council stemming from resolution 1265 (1999) — a resolution that was groundbreaking in proposing actions to address both legal and physical protection concerns. Since this issue was first brought onto the Council's agenda, important progress has been made. Canada applauds efforts to ensure that the protection of civilians becomes part of our collective consciousness. Nonetheless, critical gaps remain between key principles and the daily actions taken to respond to protection challenges — gaps keenly felt by civilians in conflict situations around the world.

Civilian populations caught in armed conflict often account for the majority of casualties as indirect victims and, more sobering still, as deliberate targets. In the Democratic Republic of the Congo, the recent escalation of fighting has led to the displacement of hundreds of thousands of people, as well as to a serious increase of sexual and gender-based violence. In Sri Lanka, civilian populations continue to face unending displacement as they move ahead of shifting front lines to avoid crossfires.

In Afghanistan, over a quarter of a century of conflict has taken a heavy toll on the population and serves as a potent reminder of why our support for the Afghan Government is so important. Needs-based humanitarian action remains a key priority for Canada. Working with international partners, we remain focused on saving lives, alleviating suffering and

building self-reliance among the most vulnerable of the Afghan populace.

Looking ahead, there is much that the Security Council and all Member States can do. We have at our disposal a sophisticated normative legal framework based on international law and Security Council resolutions that lay out a set of mutually reinforcing commitments on the protection of civilians and responsibilities for the maintenance of international peace and security. But we must move from commitments by the Council to practical action. This can be done by bolstering the monitoring and reporting mechanisms which will assist in responding to given situations with the right tools in a timely and effective manner. Canada is particularly interested in progress on efforts to report rapidly to the Council when humanitarian access is denied or deliberately hindered. We applaud efforts to bring such instances to the Council's attention more systematically.

Humanitarian workers are also increasingly targeted, as we have seen in Somalia, the Democratic Republic of the Congo, the Sudan and Afghanistan; those are acts that we strongly condemn. Ensuring the safety of humanitarian workers is vital. We call on all parties to conflicts to respect the neutrality, impartiality and independence of humanitarian workers who undertake critical life-saving work, often at great personal risk.

It is important to strengthen the capacity of the international humanitarian system to address protection issues through mechanisms such as the protection cluster. Humanitarian and resident coordinators, as well as United Nations staff, must be confident and steadfast in raising protection concerns with relevant parties to conflict. The deployment of protection experts through the United Nations Protection Standby Capacity Project has become an important and successful element in filling capacity gaps in the field.

(*spoke in French*)

The Council and the broader United Nations membership have a role to play in ensuring that those who commit serious violations of international law be brought to justice. Here, the work of the International Criminal Court is critical in fostering accountability. It is also vital that protection issues be translated into clear and achievable operational guidance for military and civilian actors. Those upon whom we entrust protection responsibilities must have the knowledge and training required to effectively fulfil this role.

The aide-memoire on the protection of civilians serves as an important framework for defining threats that arise to civilian populations. Practical tools of this type facilitate effective responses to protection challenges. We support efforts to revise this important document.

For those affected and displaced by conflict, our actions matter far more than our words. Protection of civilians must be a priority. It is no easy task to resolve these issues or translate international legal norms into practical and realistic commitments. Nothing that is valuable in life is ever easy. But it is our collective duty to ensure that civilians everywhere will be afforded the basic human dignity that each individual deserves.

Mrs. Viotti (Brazil): The twentieth century lingers when it comes to the number of civilians killed in armed conflicts. Well into the first decade of this present century, a grim trend continues unabated in its path of destruction: civilian casualties still far outnumber combatants killed in action. In parts of the world, blatant disregard for international humanitarian law has led to atrocities, including genocide and crimes against humanity, which we had hoped would belong to the history books. Therefore, my delegation can only welcome the Council's growing attention to this issue and today's debate called for by France.

Among several aspects related to the protection of civilian casualties, I will touch upon the two that I believe lie at the core of the problem.

The first aspect is the failure of parties to conflicts to abide by their international obligations. Here, there can be no confusion or complacency. All — State and non-State actors — are bound by international humanitarian law and must fully respect it. Just as importantly, if and when observance is faulty or non-existent, it is up to the international community to ensure accountability. The tragic evidence of the importance of protecting civilians in conflicts and a test to our resolve in doing so is the current situation in Gaza. I wish to thank Under-Secretary-General John Holmes for his briefing and to express our deep appreciation to him for the outstanding work that the Office for the Coordination of Humanitarian Affairs (OCHA) is doing under the most trying of circumstances.

The disproportionate response by Israel has taken a dramatic toll on civilians in Gaza. The numbers of people killed and injured grow by the hour. As we have just heard, the number of dead is now over 900 people and the number of injured is fast approaching 5,000, and an unacceptably high proportion of the victims are civilians, in many cases women and children. Hospitals are near breaking point. Several thousand people have left their homes. Around 35,000 people have sought refuge at United Nations facilities. Food, water, sewage treatment, fuel, electricity and other basic items are lacking or are gravely insufficient for the overwhelming majority of the population. According to information from the United Nations, civilians are terrorized, traumatized and feeling trapped and helpless in a deadly rage of violence and destruction.

The firing on humanitarian convoys last week and the shelling in the vicinity of United Nations schools being used as safe havens for displaced people are intolerable and cannot be justified under any circumstances whatsoever. We join the United Nations in asking for an independent investigation of the incidents, which must not be repeated. Full accountability is indispensable. We are encouraged by the fact that United Nations humanitarian aid, which was briefly interrupted, could be resumed after reassurances given by Israel were considered credible.

The Minister for Foreign Affairs of Brazil, Mr. Celso Amorim, has just concluded a visit to the region, during which he spoke to the leaders and his counterparts in Syria, Israel, Jordan, Egypt and the Palestinian National Authority. He left the region even more convinced that a ceasefire is imperative.

The call made by resolution 1860 (2009) must be heeded immediately. That is so because innocent civilians are being killed in large numbers, and that must stop. It is also so because the lack of implementation of the resolution will erode the credibility of the Security Council, with consequences that go far beyond the present crisis. We therefore call for a mobilization of the international community to ensure full and immediate compliance with resolution 1860 (2009).

The second aspect I wish to comment upon is related to the first: the role of the United Nations when parties fail to abide by their obligations and peacekeeping forces are confronted or expect to be confronted with violence directed against civilians. This aspect is a growing concern of the international community, and of the Security Council in particular.

The need for United Nations forces to protect civilians in their areas of operation is a key moral and political component of peacekeeping missions. Our collective conscience could not and would not accept a situation where the United Nations would stand idly by as civilians are injured or killed on its watch. Public support for the Organization would suffer if it were seen as unable or unwilling to protect civilians in the midst of armed conflicts witnessed by its peacekeeping personnel.

For that situation to be avoided, it is essential that the Council continue to take steps to craft mandates and secure military resources consistent with such moral and political imperatives. The recent strengthening of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo and its authorized reinforcement testify to the importance that the Council and the United Nations give to this crucial task.

The adequate protection of civilians with refugee status must also be ensured. It is indispensable that the principle of non-refoulement is respected, as well as the right to seek asylum.

We concur with the Secretary-General's conclusion in his report to the Council dated 28 October 2007 (S/2007/643) that special attention must be paid to the issue of sexual violence in armed conflict. In the case of such violations of international humanitarian law, as well other practices tantamount to war crimes, crimes against humanity and genocide, the Council must seriously consider referring appropriate situations to the International Criminal Court.

The increasing incidence of deliberate attacks against humanitarian workers is also an area in which the Council must continue to focus its efforts. Such attacks are wholly unacceptable and must not be tolerated. It is absolutely essential that the humanitarian space be fully preserved and that safe and unhindered access to populations in need be assured.

We hope that the adoption by the Council today of the updated aide-memoire prepared by the Office for the Coordination of Humanitarian Affairs, which addresses these and other important issues, will contribute to the concrete implementation of the Council's resolutions on protection of civilians in

armed conflict, especially resolutions 1674 (2006) and 1820 (2008). More importantly, we hope that the Council will remain engaged in efforts to effectively address the need to protect civilians in armed conflicts when the parties fail to fulfil their obligations.

Mr. Natalegawa (Indonesia): At the outset, I would like to thank you, Mr. President, for convening this deliberation on the critical issue of the protection of civilians in armed conflict. We would also like to thank Under-Secretary-General John Holmes for his important briefing.

The issue before us is one that has certainly received heightened attention. However, more needs to be done to match decisions and declarations with reality, as we are still witnessing a large number of civilians falling victim to armed conflicts around the world.

Indonesia is committed to addressing the impact of armed conflict on civilians. We are both deeply concerned and saddened that civilians continue to be the victims of acts of violence committed by parties to armed conflicts, including as the result of deliberate targeting, the indiscriminate and excessive use of force, and sexual and gender-based violence, as well as other acts that are in violation of international law, including international humanitarian law, human rights law and refugee law.

We wish to underscore at least three basic conditions as prerequisites to providing protection for civilians in armed conflicts.

First, safe and unhindered access should be given for humanitarian personnel to provide assistance to civilians in armed conflict. The deliberate targeting of humanitarian convoys and personnel is a deplorable and unacceptable situation and one that is patently illegal.

Secondly, humanitarian personnel need to continue to uphold and respect the broad principles of humanity, neutrality, impartiality and independence in carrying out their role in a zone of conflict. The implementation of those principles will remove any justification for the sides in a conflict to hamper the provision of aid and assistance to populations in need.

And thirdly, the parties to armed conflict should take all precautions and measures necessary to spare civilians and humanitarian workers and facilities from the effects of hostilities.

While the Council's work in the protection of civilians in armed conflict is critically important, it cannot succeed on its own in the absence of cooperation on the ground, and without other relevant regional and international organizations taking part. Building a culture of protection, through the engagement of United Nations agencies, regional and international humanitarian organizations and other relevant actors, is essential in order to raise awareness of civilian suffering and develop action plans to prevent further loss of life.

The issue of the protection of civilians in armed conflict has become even more prominent in view of the deep suffering being inflicted by Israel in the Gaza Strip. Israel continues to stubbornly defy the call by the international community, principally through Security Council resolution 1860 (2009), to end its military operation. Far from heeding that call, Israel has persisted in breaking international human rights and humanitarian law. It is especially galling that Israel has claimed that its actions are intended to protect civilians. Far from it: Israel's policy of collective punishment and its utter disregard of well-established humanitarian principles are deeply repugnant.

In the past few days, Israel has not only continued to intensify its air and ground operations, but has also moved into densely populated Gaza City, causing a spiralling death toll among Palestinian civilians. With the escalation of military attacks, it is even more difficult, if not impossible, for humanitarian workers to operate and deliver aid to those civilians in dire need. The consequences are absolutely clear: the suffering of the Palestinians in Gaza Strip will only get worse.

If we commit ourselves to protecting civilians in armed conflict — a commitment that underpins our deliberations today — this is clearly the moment to act to protect civilians and to ensure that the fighting comes to an immediate end.

Finally, we welcome and appreciate the efforts of the Office for the Coordination of Humanitarian Affairs in preparing the updated aide-memoire that will be adopted by the Council.

In this context, we wish to reiterate our belief that the protection of civilians should and must be based on the three pillars of the United Nations: human rights, security and development, which are closely interlinked. Efforts to protect civilians in armed

conflict situations will be rendered futile should we lose sight of that paramount perspective.

The tragic situation in the Gaza Strip clearly shows not only that civilians need their rights and security to be protected, but also that they require the basic necessities for survival and for weathering the conflict until a resolution is achieved. Clean water, food and shelter are some of the basic needs that have to be provided by all parties to all civilians in armed conflict as a matter of necessity, not least in the Gaza Strip.

The President (*spoke in French*): Some 30 speakers remain on my list for this meeting. I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.15 p.m.